

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2001.03
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	February 10, 2003
DATE OF REPORT:	March 6, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	March 27, 2003

COMPLAINT ISSUES:

Whether the Greenfield-Central Community School Corporation and the Hancock-South Madison Joint Services violated:

511 IAC 7-27-4(a)(5) by failing to convene a case conference committee (CCC) meeting within 10 instructional days of the enrollment date of a student who has been receiving special education in another state or another district within the state.

FINDINGS OF FACT:

1. The Student is 12 years old and attends the local middle school ("the School"). The Student is currently undergoing an initial educational evaluation to determine eligibility for special education.
2. The Student recently started at the School after being educated in Florida, where the Student received accommodations for a disability under the Section 504 program. The Complainant believes that a free and appropriate public education has not been provided at the School because a case conference committee meeting was not convened within 10 instructional days of the Student beginning there. However, Article 7, Indiana's document on rules governing special education, and the rule cited, only apply to students who were formerly registered in special education, which is separate and distinct from the Section 504 program.
3. According to the Complainant, the School's guidance counselor said that the Section 504 program was not available there, necessitating the Student's evaluation for special education, even though the Complainant feels the Section 504 program is sufficient. The assistant principal reported that the Complainant was informed that a Section 504 Plan could be developed at a later date. Because Indiana's schools receive federal funds, they are required to comply with Section 504; however, there is no state agency charged with monitoring or enforcing compliance. The program is overseen by the U.S. Department of Education, Office for Civil Rights.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate that the Student was not previously enrolled in special education, and that rules governing special education are separate and distinct from those governing the Section 504 program. Therefore, no violation of IAC 7-27-4(a)(5) is found.

The Department of Education, Division of Exceptional Learners, requires no corrective action based on the Findings of Fact and Conclusions listed above.